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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/002,276    12/31/97    CRIM    S    97-500

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TM02/0118

EXAMINER

POINVIL, F

ART UNIT	PAPER NUMBER
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2164

DATE MAILED:

01/18/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/002,276

Applicant(s)

CRIM ET AL

Examiner

Frantzy Polnvi

Group Art Unit

2164



☒ Responsive to communication(s) filed on Oct 23, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 7-16, 22-31, and 37-48 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☒ Claim(s) 7-16, 22-31, and 43-48 is/are allowed.

☒ Claim(s) 37-42 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2164

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. Claims 38-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 38, lines 1-2, "the converting module" lacks clear antecedent basis.

As per claim 39, lines 1-2, "the provisioning module" lacks clear antecedent basis.

As per claim 40, lines 1-2, "the provisioning module" lacks clear antecedent basis.

As per claim 41, lines 1-2, "the provisioning module" lacks clear antecedent basis.

As per claim 42, lines 1-2, "the deciphering module" lacks clear antecedent basis.

### *Claim Rejections - 35 USC § 101*

3. 35 U.S.C. § 101 reads as follows:

"Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title".

Claims 37-42 are rejected under 35 U.S.C. § 101 because they are directed to non-statutory subject matter, specifically, as directed to an abstract idea.

Art Unit: 2164

Data Structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are neither physical "things" nor statutory processes. Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized. In contrast, a claimed computer program product would define structural and functional interrelationships between the data structure and the medium which permit the data structure's functionality to be realized, and is statutory. Thus, claims 37-42 are rejected as being non-statutory.

Claims 7-16, 22-31 and 43-48 are allowable over the art of record.

The prior art taken alone or in combination fails to teach providing a bundle code identifying a set of products and a plurality of providers as recited in independent claims 7, 13, 14, 22, 28, 29, 37, 43, 44 and 47.

***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil, whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday through Thursday from 7:30 AM to 6:00 PM.

The fax phone number for this Art Unit is (703) 305-0040.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

FP

13Jan01

  
**Frantzy Poinvil**  
**Primary Examiner**  
**Art Unit 2164**